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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,142

12/23/2003

Per H. Hammarlund

2207/17413

7461

23838

7590

10/16/2006

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EXAMINER

PEUGH, BRIAN R

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/743,142

Applicant(s)

HAMMARLUND ET AL.

Examiner

Brian R. Peugh

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to applicant's communication filed July 25, 2006 in response to PTO Office Action dated June 12, 2006. The applicant's remarks and amendment to the specification and/or claims were considered with the results that follow.

Claims 1, 3-11, and 13-18 have been presented for examination in this application. In response to the last Office Action, claims 2 and 12 have been cancelled. Claims 1, 5, 10, and 13-16 have been amended.

Please note the change in Examiner assigned to the current application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-11, and 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Favor (US3 6,732,236).

As per claims 1, 3, and 4, Favor discloses a method comprising: executing a first instruction in a processor; if the execution of the first instruction generates a cache miss, associating the first instruction with the cache miss; enqueueing the first instruction for re-execution; and after the cache miss with which the first instruction is associated is serviced, re-executing the first instruction; the method further comprising associating the cache miss with a second instruction dependent on the first instruction, assigning an identifier to the cache miss and determining a priority of the instruction **[an access request involved in a cache miss, storing the cache miss in a retry queue while the cache fill is pending, detecting the return of the cache fill and inserting the access request associated with the cache miss for processing (column 1, lines 53-59); in the case of cache miss, the access request is transmitted to retrieve the requested data back to the cache (column 2, lines 32-35); if the address lookup determines that no matching is found indicating a cache miss, then the address lookup forward a cache fill request to the cache request queue (column 3, lines 23-26); the address tag is a seven bits and identifies the retry request queue (RRQ) entry with its associated cache line (column 4, lines 6-14); RRQ control logic compares the seven bit address tag to the entries located in the RRQ and changes the retry bit from ineligible to eligible for matching entries so the eligible retry can be inserted into arbitration module (column 4, lines 40-60)]**.

As per claims 5-11 and 13-18, claims 5-11 and 13-18 encompass the same scope of the invention as those of claims 1, 3, and 4 in addition of a processor and a system having means for performing the method of claims 1, 3, and 4. Therefore, claims

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5-11 and 13-18 are rejected for the same reasons as stated above with respect to claims 1, 3, and 4.

### ***Response to Arguments***

Applicant's arguments filed 7/29/06 have been fully considered but they are not persuasive. Applicant's arguments of page 6 of the 7/29/06 response indicate that the Favor reference cannot teach or support specific claim language, but fails to recite how the references are unable to teach or support the specific claim language.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Examiner believes that the Favor reference teaches claim limitations as filed, as disclosed supra.

### ***Conclusion***

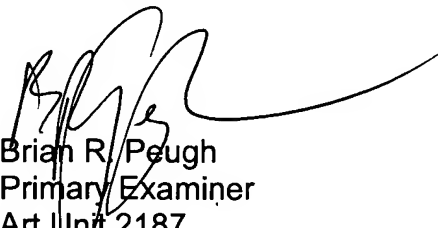
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Peugh whose telephone number is (571) 272-4199. The examiner can normally be reached on Monday-Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Friday's from 7:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks, can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian R. Peugh  
Primary Examiner  
Art Unit 2187  
September 22, 2006